

REMARKS/ARGUMENTS

As a preliminary matter, the present application has been transferred by Applicant to the undersigned's new law firm for continued prosecution. A revocation and substitute Power of Attorney was previously filed for this matter.

Applicant has reviewed the detailed Office Action mailed 05/05/2004 and thanks Examiner Nicholson for review of the pending claims. Claims 1-12 were rejected. In this amendment, claim 10 has been amended to correct an informality; however, no new matter has been added. No claims have been cancelled. Thus, upon entry of this amendment, claims 1-12 will be pending. Applicant requests reconsideration of the pending claims in view of the following remarks.

Claim Objections

Claim 10 was objected to because the term "the covering layer" lacks proper antecedent basis. Applicant has amended claim 10 to correct this informality.

Claim Rejections – 35 U.S.C. §102

Claims 4-6 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,071,799 to Elliot. For at least the following reasons, Applicant respectfully traverses the rejection.

Regarding claims 4-6, Elliot fails to disclose a hose coupling assembly that includes a sleeve interposed between a socket and a nipple, and an annular sealing member positioned in a sleeve cavity to contact the nipple, at least one surface of the cavity, and a hose tube, as recited in the claims. Instead, Elliot discloses a pipe coupling having a tapered ferrule or "olive" that is compressed radially to grip a rigid pipe and seal around the pipe. In contrast to the claimed invention, the elastomeric O-ring component 16 is housed in the ferrule 14 in such a manner that the O-ring 16 does not contact the Examiner defined nipple 21, a surface of the O-ring cavity *and* the Examiner defined hose tube 12. Rather, the O-ring 16 contacts only the ferrule cavity and the Examiner defined hose tube 12.

Claims 5 and 6 include additional patentably distinct limitations and, therefore, are patentably distinct as well. Specifically, Elliot fails to disclose an annular sealing member that is positioned to contact the end of a hose tube, as recited in claim 5. Instead, the O-ring 16 in the Elliot pipe coupling contacts the axially extending outer surface of the rigid pipe 12. Furthermore, Elliot fails to disclose an annular sealing member that includes at least one circumferential ring, as recited in claim 6.

For at least these reasons, the §102(b) rejection with respect to claims 4-6 is unsupported by Elliot and should be withdrawn.

Claim Rejections – 35 U.S.C. §103

Claims 1-3 and 7-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,833,567 to Bacher et al. (hereinafter “Bacher”) in view of U.S. Patent No. 4,875,720 to Sasa et al. (“Sasa”). For at least the following reasons, Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (Emphasis added). See MPEP 2143.

In the present matter, Bacher, either alone or in combination with Sasa, fails to teach or suggest each of the claim limitations recited in claims 1-3 and 7-12. Specifically, Sasa fails to teach or suggest a sleeve at least partially defining a cavity formed to adjoin an end of the tube, as recited in the claims. Rather, the Sasa O-ring 6 is sandwiched between the Sasa sleeve 10 and the coupling body 1. However, even assuming *arguendo* that the Sasa sleeve defines a cavity, Sasa does not disclose a cavity that adjoins an end of the tube 4. Rather, the end of the Sasa tube 4 adjoins an axially extending inner surface of the coupling body 1, not a cavity of the Sasa

sleeve. Furthermore, even if Sasa taught or suggested a sleeve at least partially defining a cavity formed to adjoin an end of the tube, which it does not, Sasa still fails to teach or suggest an annular sealing member positioned in the cavity to contact the nipple, at least one surface of the cavity, *and* the hose tube, as recited in the claims. Instead, the Sasa tube 4 is positioned between the O-ring 6 and the Examiner defined nipple 16 preventing the O-ring 6 from contacting the nipple 16.

Claims 2, 3, 8, 9, 11 and 12 include additional patentably distinct limitations and, therefore, are patentably distinct as well. For example, Bacher and Sasa, either alone or in combination, fail to teach or suggest an annular sealing member that is positioned to contact the end of the tube, as recited in claims 2, 8 and 11. Instead, the Sasa O-ring 6 is positioned to contact an axially extending outer surface of the tube 4. In another example, Bacher and Sasa, either alone or in combination, fail to teach or suggest an annular sealing member that includes at least one circumferential ring, as recited in claims 3, 9 and 12.

For at least the above reasons, the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103 and the rejection should be withdrawn.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due beyond the fees identified in the accompanying transmittal. However, if an additional fee is due, please charge our Deposit Account No. 503145, under Order No. 209593-81525 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 
Bradley J. Diedrich

Registration No.: 47,526

Honigman Miller Schwartz and Cohn LLP

32270 Telegraph Rd, Suite

Bingham Farms, MI 48025-2457

248-566-8516

Attorney for Applicant

Customer No.: 44200